

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

CHARLES HAINES,

Plaintiff,

Case No. 02-74947

v.

Honorable John Corbett O'Meara

DEPUTY DAVID LAMONTAINE,  
SERGEANT BRETT ORTOLANO, DEPUTY  
TORONGEAU, and COUNTY OF MONROE,

Defendants.

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**ORDER GRANTING  
DEFENDANTS' RENEWED MOTION FOR SUMMARY JUDGMENT**

This matter came before the court on Defendants' January 26, 2007 Renewed Motion for Summary Judgment. No response was filed. The court set the motion to be heard March 29, 2007; and no one appeared for Plaintiff.

Plaintiff filed this suit December 13, 2002, alleging ten state law causes of action, including battery (for being handcuffed), false imprisonment, false arrest, gross negligence, malicious prosecution and trespass, along with a single federal cause of action based solely on those state law claims. The court dismissed the ten state law claims on January 30, 2004, and on February 20, 2004, issued an order staying the action until the case was adjudicated in state court.

Monroe County Circuit Court Judge Michael LeBeau granted Defendants' motion for summary disposition as to all of Plaintiff's claims on May 27, 2005. Plaintiff filed an appeal, and the Michigan Court of Appeals held that Judge LeBeau had correctly found that the deputies had had probable cause to arrest and detain Plaintiff. The appellate court further held that there was

sufficient probable cause to enter Plaintiff's residence without a warrant. Plaintiff did not appeal those decisions to the Michigan Supreme Court.

For the reasons set forth in Defendants' motion, it is hereby **ORDERED** that Defendants' January 26, 2007 Renewed Motion for Summary Judgment is **GRANTED**.

s/John Corbett O'Meara  
United States District Judge

Dated: March 30, 2007

I hereby certify that a copy of the foregoing document was served upon the parties of record on this date, April 9, 2007, by electronic and/or ordinary mail.

s/William Barkholz  
Case Manager